

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION JOINT APPROPRIATIONS SUBCOMMITTEE ON LONG RANGE PLANNING**

**Call to Order:** By **CHAIRMAN MATT MCCANN**, on January 5, 2001 at 8:001 A.M., in Room 350 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Matt McCann, Chairman (D)  
Sen. Bob Keenan, Vice Chairman (R)  
Rep. Dave Kasten (R)  
Sen. Jon Tester (D)  
Rep. Steve Vick (R)

**Members Excused:** Sen. Tom A. Beck (R)

**Members Absent:** None.

**Staff Present:** Jane Hamman, OBPP  
Andy Hyatt, Committee Secretary  
Brian McCullough, Legislative Branch  
Christi Tyson, OBPP

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 11, 1/2/2001  
Executive Action:

#### **HEARING ON HB 11**

**{Tape : 1; Side : A; Approx. Time Counter : 0}**

**CHAIRMAN MATT MCCANN** greeted the Committee members and audience to the 57<sup>th</sup> Legislature Assembly. He introduced **Brian McCullough** from the Legislative Fiscal Division (LFD) and **Jane Hamman** from the Office of Budget and Program Planning (OBPP) and then requested they inform the Committee of their work experience background.

**Brian McCullough** reviewed the Committee schedule and that the On Site Visits would be a full day on January 11<sup>th</sup> and the group should return by 3:00pm on the January 19<sup>th</sup>. **Mr. McCullough** provided the committee with an updated Table 3 insert for their binder under Section F: Long-Range Planning, Pg. 10 under the tab for Long Range Planning.

**SEN. BOB KEENAN** stated that he is on another committee and will be leaving and returning during our sessions.

{Tape : 1; Side : A; Approx. Time Counter : 257} through  
{Tape : 3; Side : A; Approx. Time Counter : 515}

**NOTE:** Tape 2, Side B is blank.

**Jim Edgcomb**, from the Department of Commerce (DOC) Treasure State Endowment Program (TSEP), introduced other members of his staff: **Nancy Guccione, Nick Rich, Kim Hayes, Dave Cole.** **Mr. Edgcomb** provided a power point presentation to the Committee members explaining the process in reviewing applications for funding. Each Committee member was provided with: 1) a report entitled: Amount Leveraged By TSEP Recommended Projects **EXHIBIT(jlh03a01);** Volume 3 Governor's Budget State of Montana Fiscal Years 2002-2003 (3 ring binder) **EXHIBIT(jlh03a02).**

**Ms. Hamman** informed the Committee that the DOC TSEP single application form is unique within the country with both state and federal agencies and is used as a model to follow. **Mr. Edgcomb** stated they recently won a national award from the department of housing and urban development for having a model practice.

**Mr. Edgcomb** answered questions from committee members on the various procedures and how the funding is distributed and walked the Committee through two of the applications. The impact and purpose of HB40 and HB43 were also discussed.

At 10:30am **CHAIRMAN MCCANN** opened the hearing.

{Tape : 3; Side : B; Approx. Time Counter : 0}  
HB 11

**Sponsor: REP. DAVE KASTEN, House District 99**

**Opening Statement by Sponsor:** I have brought before you this morning HB 11 by the request of the Department of Commerce and Office of Budget and Programming. It is an act to appropriate money to the Department of Commerce for financial assistance to

local government's infrastructure projects. I am in full support of this bill and I reserve the right to close later on; behind me are people who will bring testimony on the projects.

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**CHAIRMAN MCCANN** opened the hearing on **RICHLAND COUNTY TSEP PROJECT NO. 8, PAGE 73.**

**Proponents' Testimony:**

**Nick Rich, DOC-TSEP**, provided background on the county's request for bridge funds.

**Gloria Paladichuk**, representing the **Richland Economic Development**, located in Richland County, provided testimony in favor of funding.

**REP. DON STEINBEISSER, HD 100**, would like to go on record in favor of TSEP funding for the bridges.

**REP. DAVE KASTEN HD 99**, requests to stand as a proponent in favor of the bridge funding.

**Opponents' Testimony:** None.

**Questions from Committee Members and Responses:**

**SEN. TESTER** questioned geographical location of the bridges and the use by the local population and emergency vehicles. **CHAIRMAN MCCANN** questioned the design of the bridges and the use of farm commodities trucks of the bridges. **Mr. McCullough** questioned the use of the bridges for the transportation of heavy equipment by the coal mining area. **REP. DON STEINBEISSER & Gloria Paladichuk**, responded. **Nick Rich** provided further background.

**CHAIRMAN MCCANN** closed the hearing on **RICHLAND COUNTY TSEP PROJECT NO. 8, PAGE 73.**

**CHAIRMAN MCCANN** opened the hearing for **YELLOWSTONE COUNTY, PROJECT NO. 33, PG. 213.**

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**Proponents' Testimony:**

**Jim Edgcomb, DOC-TSEP**, recommends the requested grant of \$300,000.00, contingent upon funds becoming available. He

reviewed the project and provided a letter received from the Yellowstone County Commissioners dated 12/29/2000.

**EXHIBIT**(j1h03a03)

**Bill Gibbs, Public Works Director**, Yellowstone County provided testimony in favor of the bridge funding. Since there is a problem with the structure of the bridge and the need to replace immediately, he has further questions as to receiving immediate funding. **CHAIRMAN MCCANN** stated that the committee would proceed to other applicants and will come back with a response to his questions.

**Charles Brooks**, represents **Yellowstone County** during this session, provided testimony in favor of bridge funding.

**Opponents' Testimony:** None.

**Response to Questions by Proponents:**

**CHAIRMAN MCCANN** requested **Mr. Edgcomb** to respond to Mr. Gibbs. **Mr. Edgcomb** explained procedures and alternatives. **CHAIRMAN MCCANN** informed Yellowstone County that a decision to be moved in ranking will take place by committee members during the executive action.

**Questions from Committee Members and Responses:**

**SEN. TESTER** questioned **Mr. Gibbs** on how he was informed of the cracks in the bridge, when the engineering study was performed on the bridge and why they did not find the cracks. **CHAIRMAN MCCANN** questioned if there were other routes for traffic to use and if they had established a weight restriction on the bridge. **Bill Gibbs** responded. **SEN. VICK** questioned **Ms. Hamman** if there is maintenance funding available for this secondary road. **Bill Gibbs** responded.

**CHAIRMAN MCCANN** closed the hearing for **YELLOWSTONE COUNTY, PROJECT NO. 33, PG. 213.**

**CHAIRMAN MCCANN** opened the hearing for **LEWIS & CLARK COUNTY, PROJECT #1, PG. 31.**

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**Proponents' Testimony:**

**Nancy Guccione, DOC TSEP**, provided background on the county's request for funding.

**Ron Ellis, Chief Administrative Officer,** Lewis & Clark County (L&C) provided testimony in favor of funding.

**Opponents' Testimony:** None.

**Questions from Committee Members and Responses:**

Committee members had questions on funding and to identify the bridge. **Mr. Ellis** responded and identified the bridge as the Lyon's Creek bridge near Wolf Creek.

**CHAIRMAN MCCANN** closed the hearing for **LEWIS & CLARK COUNTY, PROJECT #1, PG. 31.**

**CHAIRMAN MCCANN** opened the hearing for **CASCADE COUNTY, TSEP PROJECT NO. 35, PG. 225.**

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**Proponents' Testimony:**

**Jim Edgcomb** reviewed the project stating they would not be able to fund the project nor recommend the loan.

No proponents were present from Cascade.

**Opponents' Testimony:** None.

**Questions from Committee Members and Responses:**

**CHAIRMAN MCCANN** asked for the definition of "moderate health and safety". **Mr. Edgcomb** responded.

**CHAIRMAN MCCANN** closed the hearing for **CASCADE COUNTY, TSEP PROJECT NO. 35, PG. 225.**

**CHAIRMAN MCCANN** opened the hearing for the **BLACKFEET TRIBE & BROWNING, PROJECT NO. 21, PG. 149 AND PROJECT 18, PG. 131.**

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**Proponents' Testimony:**

**Jim Edgcomb, DOC-TSEP,** explained that this is a combined application (Browning #28/Blackfeet Tribe #18) because these requests are for the same project. TSEP recommends the \$500,000.00 for each project be funded. Also, the TSEP funds that were authorized for East Glacier in 1995 would also be used

for this project. **Mr. Edgcomb** further explained the history of the project.

**Leo Kennerly**, member of the Blackfeet Tribe Business Council, provided testimony in favor of funding. He introduced other proponents in the audience: **Irwin Carlson**, Blackfeet Tribe Business Council; **William Morris**, Mayor of Browning; **Mike Lamere**, Planning; **George Heavyrunner** former legislator & former council member; **Carol Boerner**, Indian Health Service (IHS); **Justin Wiser**, IHS water engineering. A handout was provided to committee members entitled Blackfeet Community Water Project 2001.

**EXHIBIT (j1h03a04)**

**George Heavyrunner**, member of the **Blackfeet Tribe**, provided a water sample and testimony in favor of funding.

**William Morris**, mayor of Browning, provided testimony in favor of funding.

**Irwin Carlson**, member of **Blackfeet Tribe Business Council**, provided testimony in favor of funding.

**Opponents' Testimony:** None.

**Questions from Committee Members and Responses:**

**CHAIRMAN MCCANN** asked which project are we identifying to begin with. **Mr. Edgcomb** said you are looking at both of them because it is the same funding package. **SEN. TESTER** questioned if this project has been sized to meet the needs for the current population or for a population somewhat larger and what would that be. **Ms. Boerner** responded. **SEN. TESTER** had questions regarding funding. **Mr. Edgcomb** responded. **Ms. Hamman** requested that the committee have more clarification on the package before they can make an executive action. **Mr. Edgcomb** stated that this package has been evolving. **Ms. Boerner** provided some clarification on the Community Development Block Grant (CDBG) funds.

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**CHAIRMAN MCCANN** stated that the committee wanted to help them along somehow, but the committee needs to understand it the best they can. What is secured funds? **Ms. Boerner** responded. **Mr. Lamere** pointed out that in their handout; the first page, bottom, under the column "status": the items marked "awarded" means that they have the funds in the bank. He further explained what other funds will be available.

**CHAIRMAN MCCANN** questioned **Mr. Edgcomb** if the funds are not given to a project until it has received all other funding. **Mr. Edgcomb** confirmed that TSEP funds are not disbursed until all the funding sources have been committed to.

**Ms. Hamman** commented that it seemed today's handout was the most current document and that perhaps the DOC staff could review that and be prepared when the committee gets to executive action to reassure us of the understanding of the project.

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**SEN. TESTER** questioned **Mr. Edgcomb** regarding the funds applied for and are they real potential sources of funds. **Mr. Edgcomb** responded. **REP. KASTEN** stated that before an executive action could be taken that more information needs to be provided to the committee. **REP. VICK** had questions about the previous grant given to East Glacier. **Mr. Edgcomb** responded. **Ms. Boerner**, explained the differences in their water sources and how to deal with the silt problem.

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**CHAIRMAN MCCANN** questioned the ranking of the project and the need for further clarification on funding. **Mike Lamere** provided clarification of how the project has come to this point and explained the funding projects requests for other funding. He can ask Senator Baucus to provide a letter to the committee to assure them of the funding. **CHAIRMAN MCCANN** said that there is a need to visit with you and the department to help make this project happen. **George Heavyrunner** explained further to the committee that this is an evolving process and if there is anything they can provide to the committee on their funding sources they will provide the information. Please contact any of the members of their group and they will be happy to help.

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**Brian McCullough** questioned the letter from Sen. Baucus if the date of November 1, 2000 was the date for reviewing new funds being available and have they heard a response. **Mr. Lamere** responded.

**CHAIRMAN MCCANN** stated that before we have executive action, we will submit to you a letter of questions if necessary and will be talking with the department how to approach this large project.

The meeting was adjourned.

ADJOURNMENT

Adjournment: 11:50 A.M.

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REP. MATT MCCANN, Chairman

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ANDY HYATT, Secretary

MM/AH

**EXHIBIT** (j1h03aad)